IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION No. 2494 OF 2001

PETITIONER

Mahesh Chandra Jain, S/o Late Shri Tarachand Jain, aged about 60 years, resident of 25, Indravati Colony, Rajatalab, Raipur (Chhattisgarh)

Versus

RESPONDENTS

1. State of Chhattisgarh through the Principal Secretary, Department of Cooperatives, Mantralaya, D.K.S.Building, Raipur (Chhattisgarh)
2. Election Officer, Krishna Sakha Griha Nirman Sahakari Sanstha Maryadit, Danganiya, Raipur (Chhattisgarh)
3. Deputy Registrar, Cooperative Societies, Raipur (Chhattisgarh)
4. Basant Kumar Tiwari, Lakhe Nagar, Raipur (Chhattisgarh)
5. Smt.Pramila Tiwari, Azad Chowk, Bramhanpara, Raipur (Chhattisgarh)
6. Girdharilal Sharma, Sadar Bazar, Raipur (Chhattisgarh)
7. Ram Kumar Dewangan, Bramhanpara, Raipur (Chhattisgarh)
8. Sushri Mona Baraskar, Azad Chowk, Raipur (Chhattisgarh)
9. Shri Khemraj Dhurandhar, Shanit Vihar Colony, Azad Chowk, Raipur (Chhattisgarh)
10. Damodar Goutam, Bank of India, Raipur (Chhattisgarh)
11. Markam Parasram, Nagrik Sahakari Bank Maryadit, G.E. Road, Raipur (Chhattisgarh)

P.R. No. 2505 dated 23.11.01

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

The petitioner most respectfully begs to submit as under :-

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(79)

आदेश पत्रक

मामला क्रमांक W.P 2496 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13.12.2001 Shri Prashant Mishra learned counsel for the petitioner. Shri Deep Kesharwani for the respondents. Heard. The petitioner is challenging the election of the Co-operative Society held on 10.11.2001 mainly on the ground that provisions laid down have been completely violated and in fact the election ought to have been held in respect of 11 members leaving room for 3 nominated members whereas in this petition it has been contended that ~~though~~ in contravention of by amendment the election ~~should have~~ has been held in respect of only 8 members leaving room for three nominated members. According to Shri Mishra on the face of it the entire election has been completely vitiated because of the non-compliance of the clear provisions prescribed in this regard. Shri Kesharwani submitted that the present case comes within the purview of section 64 of the M.P.Co-operative Societies Act. According to Shri Kesharwani the dispute relating to the application of the amended provisions of the bylaw particularly with reference to the grievance that instead of	

[पीछे देखिये

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electing 11 members only 8 members have been elected is a matter of dispute under the said provision. Hence it is submitted that the matter should be placed before the Deputy Registrar,Co-operative Societies Raipur, for adjudication.

Since the present dispute as regards election of 8 members instead of 11 members was dealt with by the Deputy Registrar, in my view it would be just and fair that the present case should be adjudicated upon by the Registrar. Let the writ petitioner raise a detailed election dispute taking all grievances before the Registrar within 15 days from today. On receipt of such petition the Registrar shall proceed to decide the mater expeditiously and preferably within six weeks from the date of receipt of the petition.

I have issued the above direction as I am not inclined to examine this matter in exercise of power under Article 226 of the Constitution of India.

It is contended that the petitioner is still continuing and managing the affairs of the Society. A prayer has been made that his position may be protected until the Registrar decides his petition finally. In my view the Registrar should consider this prayer also and pass necessary order as deemed fit by him.

Accordingly the petition is disposed of.

Sd/-
Chief Justice